

REMARKS

Claims 1-3 and 6-8 are now presented for examination. Claims 4, 5, 9 and 10 have been cancelled without prejudice. Claims 1-3 and 6-8 have been amended to more particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1 and 6 are independent. Favorable review is respectfully requested.

Independent claims 1 and 6 have been amended so that those claims recite a switch means, wherein the switch means is operated by a prong of a plug, so that insertion of a plug into a receptacle in the housing is effective to cause electrical discontinuity in a conductive path of the device. This claim language is clearly supported in the specification at page 25, lines 4-13 and 22-23, and Figure 31. Claims 1 and 6 have also been amended to recite that the reset portion includes a lockout portion preventing reestablishment of the electrical continuity in the absence of a plug inserted in the receptacle. This claim language is clearly supported in the specification at page 25, lines 25-27.

Dependent claims 2 and 7 have been amended to recite that the reset portion is operated by a prong of a plug, so that insertion of the plug into the receptacle is effective to reestablish the electrical continuity in case the device is operational, is not in an open neutral condition and is not reverse wired. This claim language is clearly supported in the specification at page 26, lines 13-17. Dependent claims 3 and 8 have been amended to recite that the switch means is operated by a plug being removed from a receptacle. This claim language is clearly supported in the specification at page 26, lines 17-18.

Claims 1 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by DiSalvo et al. (U.S. Pat. No. 6,246,558). The applicants wish to note that these claims have been amended to incorporate features previously recited in claims 2 and 7 respectively, namely that the switch means is operated by a prong of a plug, so that insertion of a plug into a receptacle in the housing is effective to cause electrical discontinuity in a conductive path of the device (that is, trip the device upon insertion of a plug). This feature is not taught in DiSalvo et al., so that amended claims 1 and 6 are not anticipated by that reference.

Dependent claims 2-4 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DiSalvo et al. in view of Halbeck (U.S. Pat. No. 4,002,951). Claims 4

and 9 have been cancelled, thereby rendering rejection of those claims moot. As noted above, claims 1 and 6 have been amended to recite that the reset portion includes a lockout portion preventing reestablishment of the electrical continuity in the absence of a plug inserted in the receptacle. This feature is neither taught nor suggested in DiSalvo et al., which provides a circuit interrupting device that is ready to provide electrical power when no plug is inserted. Halbeck is understood to disclose a receptacle in which insertion of a plug momentarily simulates a ground fault (col. 3, lines 10-20), but removal of a plug does not simulate a ground fault and hence maintains electrical continuity in the device (col. 7, lines 7-20). This is in contrast to the present invention, in which the lockout portion prevents reestablishment of the electrical continuity in the absence of a plug inserted in the receptacle. Halbeck is not understood to teach or suggest a reset lockout portion, and therefore cannot suggest this feature. A combination of Halbeck with DiSalvo et al. might yield a device wherein insertion of a plug causes the device to trip, but would not yield a device having a reset lockout portion preventing resetting in the absence of a plug. Accordingly, claims 1 and 6, together with all claims dependent therefrom, would not have been obvious from the cited references, or from a combination of those references.

Dependent claims 4, 5, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DiSalvo et al. in view of Germain et al. (U.S. Patent Application Pub.2002/0067582). Claims 4, 5, 9 and 10 have been cancelled, thereby rendering the rejection of those claims moot.

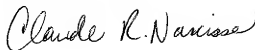
The other claims in this application are dependent from one or the other of the independent claims discussed above and are believed to be patentable for the same reasons. Since each dependent claim is deemed to define an additional aspect of the invention, however, the consideration of each claim on its merits is respectfully requested.

In view of the foregoing amendments and remarks, favorable consideration and early passage to issue of the application are respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required for this Amendment, or credit any overpayment, to Deposit Account No. 50-1561 of Greenberg Traurig, LLP.

In the event that an extension of time is required to make this Amendment timely filed, the Commissioner is requested to grant a petition for that extension of time required to make the Amendment timely, and is hereby authorized to charge any fee for such an extension of time, or credit any overpayment, to Deposit Account No. 50-1561 of Greenberg Traurig, LLP.

Respectfully submitted,



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